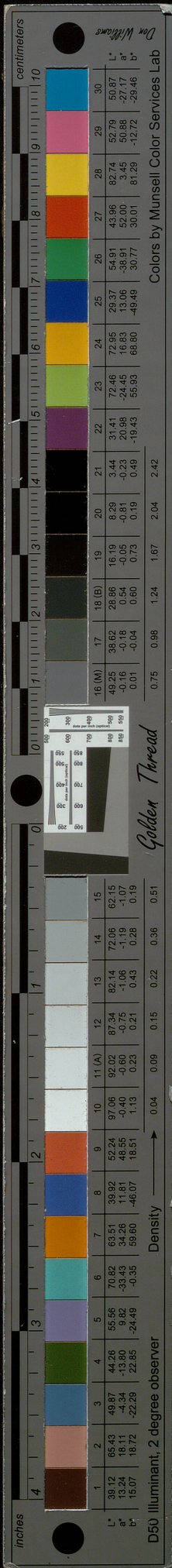




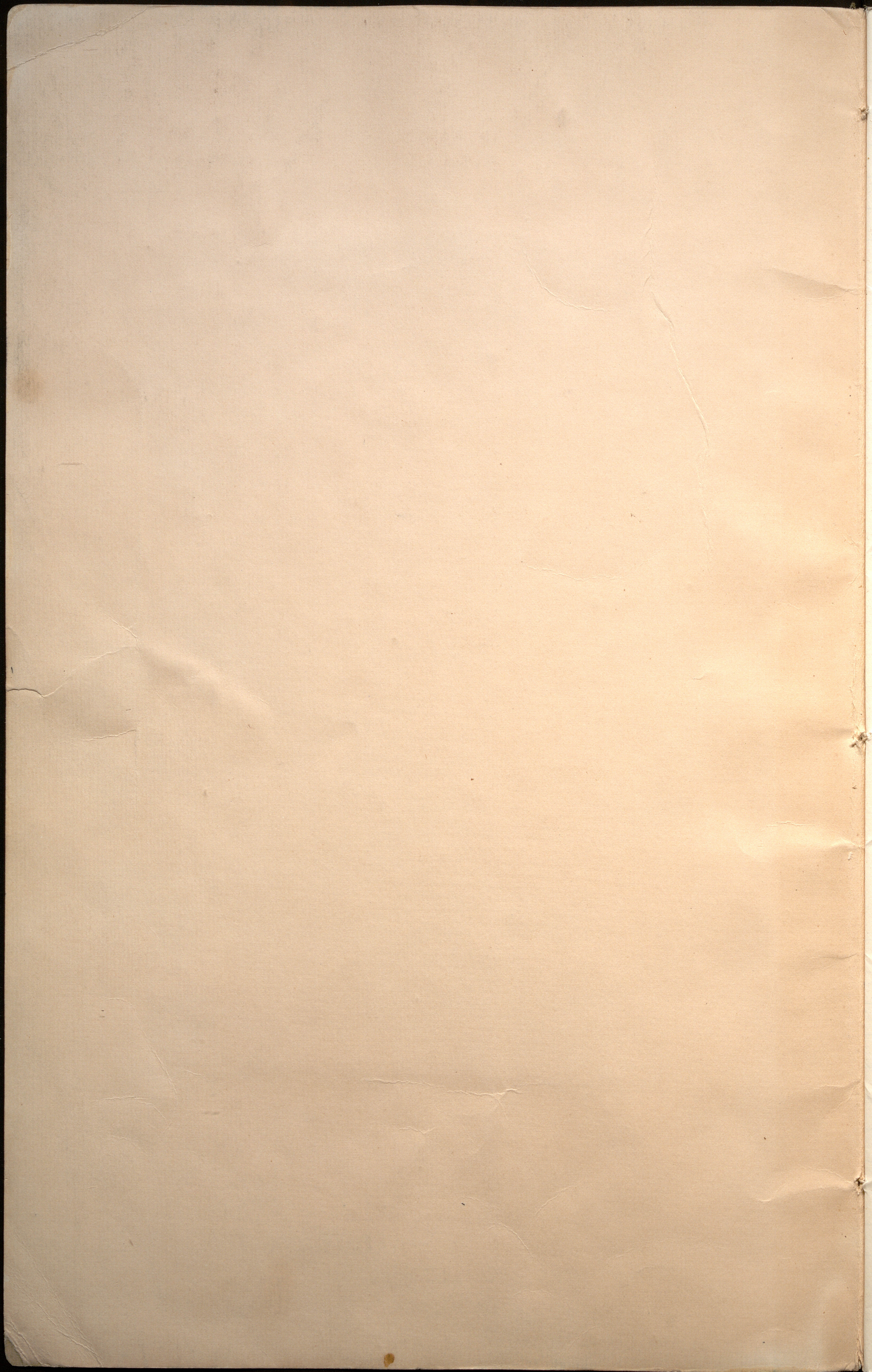
Library Co. of Philad<sup>a</sup>  
Fifth Street, below Chestnut,  
Philadelphia Jan 25 1871

Copies  
of such portions of the  
Minutes  
of the Directors & of the Company  
as relate  
to the  
Will of Dr Rusk

for the use  
of  
Counsel.



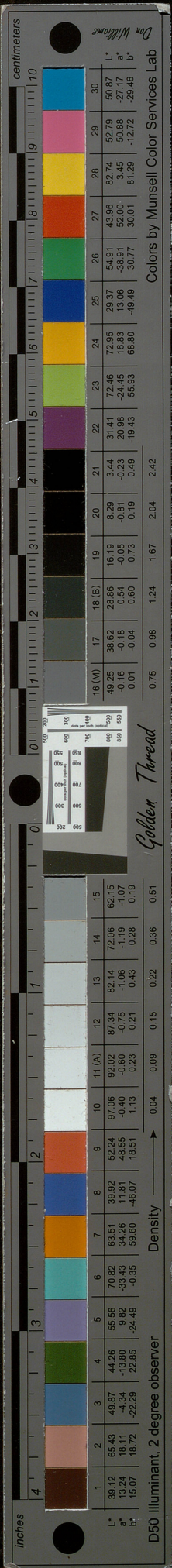






Copies  
of Documents relating to the  
Bequest  
of James Rush  
to the  
Library Company of Philadelphia  
1871

12482.F.376





Extracts  
from the  
Minutes of the Directors of the Library Co

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June 3<sup>rd</sup> 1869 Mr Williams laid on the table a certified copy of the Will of the late Dr James Rush in which the Library was made on certain conditions the devisee & legatee of his large estate, Henry J. Williams being Executor. He requested that the Board would take immediate steps to ascertain the decision of the Company upon the question of accepting the devise & bequests contained in Dr Rush's will on the conditions therein contained.

Whereupon it was

Ordered, That a special meeting of the Library Company be held on the 29<sup>th</sup> inst at 12 o'clock M. for the purpose of considering the propriety of accepting the devise & bequests contained in the will of the late Dr James Rush on the conditions therein expressed, and of applying for appropriate legislation to carry the same into effect.

The Secretary was directed to publish notice of this meeting in four of the principal newspapers of the City for at least twenty days before the time fixed for the same.

Messrs Heare, McCall & Wharton were appointed a Committee to examine the will of Dr Rush and report upon the legal and other points involved

June 24<sup>th</sup> 1869 The Committee on the Rush legacy reported that they had consulted Messrs Meredith, Biddle & M. Mantrie as Counsel on various questions arising under Dr Rush's will, but had received a written opinion on one point only, as follows:

"We are of opinion that the time for the Library Company to accept the devise



under the will of Dr James Rush has not arrived. Until the Executor shall have completed a Building and rendered a conveyance the Company could do no more than agree to accept at a future time; and we think such an agreement should not be made until the real position of the affairs and the plan of the Executor are better ascertained and the consequences can be considered.

"We think therefore that it is expedient to postpone (for the present at least) any action by the Company in reference to the will other than the observance of the provisions which they are required to observe to avoid disabling themselves from accepting in accordance with the terms of the will.

(Signed) W<sup>m</sup> M. Meredith  
George W. Biddle  
R. C. McMurtrie

The Librarian reported that a number of Proxies had been given to him to be used in accordance with the instructions of the Board, whereupon the Librarian was directed to vote such proxies in favor of the following Resolution

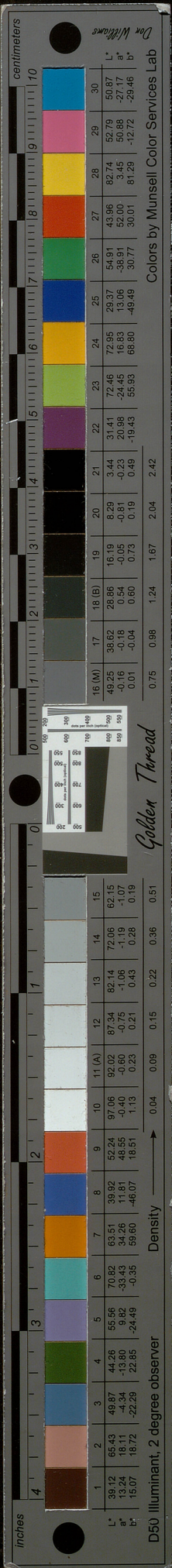
That the Directors be and they are hereby authorized to accept the bequests and devises contained in Dr Rush's will if and when they shall deem it advisable so to do, and be authorized to procure any legislation necessary for the purpose.

Judge Sharswood was selected to preside at the Stockholders Meeting

June 29<sup>th</sup> 1869

The following letter was read  
My Dear Doctor, ? whom

I address this note to you as the oldest of the Directors of the Library because I do not intend to be present at your meeting on Thursday next, nor to take any part in inducing the decision which they are then to make in reference to Dr Rush's





magnificent gift. Indeed the coolness and I may say indifference with which it has been received almost lead me to hope that it may be rejected and the Ridgway Library be established wholly independent of the Phil<sup>a</sup> Library. I enclose you the opinion of Judge Strong which I beg you will lay before the Board. It was given in answer to written questions of which I also send a copy without any argument suggestion or intimation of my wishes or opinions, and as I believe it to be correct, I shall be governed by it.

I certainly did expect that I should have been cordially aided in the administration of this Trust by the Board of Directors and that they would have taken pleasure in assisting me to carry out the instructions of one whom I thought was a benefactor of the Library Company. I have been disappointed; and I shall now probably have to depend entirely upon myself; for I shall not consider the Library Company in any way interested in Dr Rush's Estate until the Members accept in the terms of his will the conditions imposed by it.

If this is declined or delayed I shall be compelled to proceed without reference to the wishes or opinions of the Board and exercise my best judgment in the construction of the Building entirely independent of them.

I shall no doubt make many mistakes and imperfectly accomplish the work before me; and if I fail for want of the counsel and advice of the Board it will be because they have been unwilling to put themselves in a condition to give it.

With regard to the claim of the heirs of Dr Rush to the surplus of the estate beyond the annuity fund, if the Board choose to raise their hopes by intimating a doubt as to their own right to it, I have nothing to say. The provision made for some of



5

them is so slight that they will probably eagerly catch at any proper means to increase it, I am Trustee for those who are entitled to that surplus & if the Board suggest the idea that it belongs to the heirs I will not lay a straw in the way to prevent them from recovering it.

But if Judge Strong is correct in his opinion (and I am satisfied that he is) the Library Co who are strangers to this devise & bequest until they accept them cannot until then have any right to ask a Court to determine the disposition of a Fund in which they have no interest, and the very existence of which is not yet ascertained and cannot be until the Building is completed; and I certainly will not aid them in any such attempt.

If they take the gift I will be happy to consult with them. If they do not, I shall claim the right to proceed according to Dr. Rush's instructions and the discretion with which he has intrusted me

Very truly & sincerely, yours  
Henry J. Williams  
June 22 1869

June 28<sup>th</sup> 1869

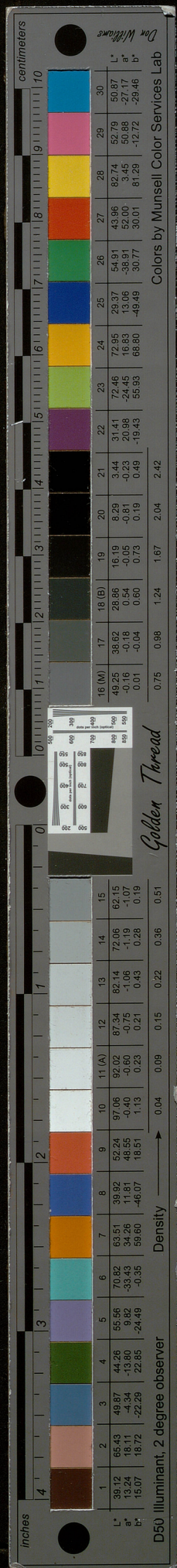
At a Meeting of the Company called by the Directors in accordance with the Charter & Bye Laws

June the 28<sup>th</sup> 1869

Hon. George Sharswood was called to the Chair and Wm E Whitman was appointed Secretary

The Chair appointed James S. Biddle and Wm Neal Tellers to ascertain whether a quorum was present

The Tellers reported a quorum present  
Peter M Call Esq offered the following Resolution:





Resolved that the Stockholders of the Library Co of Philadelphia have heard with pleasure of the munificent bequest of the late Dr James Rush

That they desire that the Directors of the Library Company of Philadelphia shall signify to Henry J. Williams Esq their acceptance of the same, with, however the expression of the wish that, if it be within the power of Mr Williams the new building shall be placed within the limits first designated in the will of Dr Rush

Wm M Tilghman Esq moved to amend the amendment by striking out all after the word Resolved and substituting the following

1. That it is inexpedient at this time to take any action upon the question of accepting the devises and bequests to this Company, contained in the will of the late Dr James Rush, upon the conditions therein expressed,

2. That whenever, in the opinion of Counsel, the proper time shall have arrived for action upon such question the Directors are hereby requested to submit it to a meeting of the Stockholders specially called for its consideration

3. That until such question be decided, no new shares of stock in the Company shall be issued.

A general debate ensued and finally on motion of Frederick Fraley Esq it was resolved to postpone for the present the consideration of the foregoing Resolutions and to refer them to a Committee to be appointed by the Chair composed of six Members and six Directors to report at an adjourned Meeting.

The Chair appointed Frederick Fraley, Edward King, Joseph Carson, William W Longstreth, Benjamin V. Marsh and Wm P Tatham on the part of the Stockholders & Peter McCall, J. I. Clark Hare, George W Norris, S. Morris Waln, David Lewis & Henry Wharton on the part of the Directors. Adjourned to Oct 5, 1869



October 5<sup>th</sup> 1869

At an adjourned Meeting of the Company  
Oct 5<sup>th</sup> 1869 The Hon: George Sharswood in the  
Chair, Wm E. Whitman, Secretary

The Chairman appointed Messrs Tighman  
& Hutchinson Tellers who reported a Quorum

The Minutes of the last Meeting were approved  
The Report of the Joint Committee on the  
Rush Legacy was read by the Chairman  
F. Fraley Esq; and a minority Report by Wm  
P Tatham Esq signed by himself only

A general debate ensued and finally  
on motion of Mr Fraley The Four Resolutions  
reported by the Committee together with an  
Amendment offered by Henry M Phillips Esq  
were referred to a stock vote to be taken on  
the 19<sup>th</sup> inst between 10 & 4 o'clock.

It was ordered that a list of the Stock-  
holders be posted up in a conspicuous place  
in the Library

On Motion, the Meeting adjourned to  
Thursday the 21<sup>st</sup> inst to receive the Report  
of the Hon: Edward King and James S. Biddle  
Esq who were appointed by the Chair Tellers  
to receive the vote on the Resolutions and  
to report the same to the said adjourned Meeting

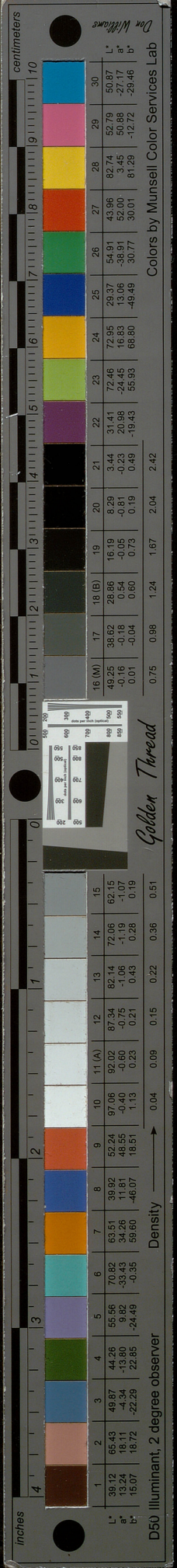
### Resolutions

Upon which a Vote of the Members of the Library  
Company of Philadelphia, will be taken on  
Tuesday, the 19<sup>th</sup> of October, 1869, at the Library  
Rooms, between 10 A.M. and 4 P.M.

The Resolutions will be voted on separately  
Members are requested to write Aye or No against each  
resolution as they may prefer to vote

No. 1,

Resolved, That the Stockholders of the Library  
Company of Philadelphia do hereby accept  
the legacy of Dr James Rush according to  
the terms expressed in his will.





No. 2.

Resolved, That so much of the present collection of books and other property of the Company as may by the Directors be deemed expedient, shall be retained in the present or some other central position for general use and circulation.

No. 3.

Resolved, That a Committee to consist of three stockholders and three Directors, shall be appointed for the purpose of consulting and advising with the Executor of Dr Rush in carrying out the provisions of the Will, in procuring such legislation as may be needed, and also for carrying into effect the second resolution, by taking measures for securing the erection of a fire-proof building for the reception of those parts of the Library so to be retained at such time and in such place as said Committee may determine.

No. 4.

Resolved, That a copy of the foregoing resolutions be transmitted to Henry J. Williams Esq., the Executor of Dr James Rush, as the acceptance of this Company of the bequest made by his Will, and that the letter transmitting the same shall acknowledge the high appreciation by the Company of the confidence reposed in them by Dr Rush, and of their cordial willingness to unite in carrying out in the most beneficial way, his philanthropic intentions.

[ The above resolutions are those reported by the Joint Committee of Stockholders and Directors. The following additional resolution is offered by Hon. Henry M Phillips ]

No. 5.

Resolved, That the acceptance of the Stockholders of the Library Company of Philadelphia is upon the express provision that so much of the present collections of books and other



property of the Company as may by the Directors be deemed expedient, shall be retained in the present or some other central position for general use and circulation.

October 21<sup>st</sup> 1869 At an adjourned Meeting of the Company  
Oct 21 - 1869

Eli' K Price in the Chair  
Judge King read the following  
Report

Philadelphia Library Oct 19

The undersigned appointed Tellers under a Resolution adopted by the Stockholders of the Library Company of Philadelphia Oct 5<sup>th</sup> 1869 to receive and count the votes cast for and against Four Resolutions reported by the Joint Committee of Stockholders and Directors and a Fifth Resolution offered by Hon: Henry M Phillips, the said votes to be taken on the 19<sup>th</sup> day of October 1869 between the hours of 10 A.M and 4 P.M. and report the result hereby Report that they have attended to that duty and do hereby certify as follows:

That 597 Members voted in person or by proxy

That 298 votes were cast in favor of the first Resolution and 293 against it

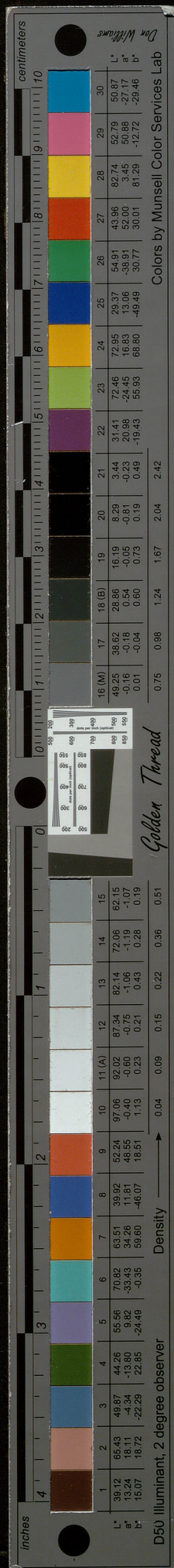
That 256 votes were cast in favor of the Second Resolution and 301 against it

That 213 votes were cast in favor of the Third Resolution and 362 votes were cast against it

That 268 votes were cast in favor of the Fourth Resolution and that 293 votes were cast against it

That 259 votes were cast in favor of the Fifth Resolution and that 316 votes were cast against it

And we do further Report that the





First Resolution, to wit: "Resolved, That the Stockholders of the Library Company of Philadelphia do hereby accept the Legacy of Doctor James Rush according to the terms expressed in his Will" was agreed to and that the remaining Resolutions were not agreed to.

In witness whereof we have hereunto set our hands the day & year first above written (Signed) Edward King  
Jas S. Biddle

Whereupon the Chairman announced that the first Resolution was agreed to, and the other Resolutions were lost.

Hon. J. Rob Snowden offered the following Resolutions:

Whereas, A majority of the Stockholders of the Library Company of Philadelphia has accepted by a Stock vote on the 19<sup>th</sup> inst the legacy of the late Dr James Rush according to the terms expressed in his Will, Therefore

Resolved, That the Resolution adopted by the said vote be entered on the Minutes of the Library Company as the acceptance by said Company of the munificent & philanthropic bequest of Dr Rush.

Resolved, That a Committee to consist of three Stockholders and three Directors be appointed to co-operate with the Executor of Dr Rush in carrying into effect the provisions of said Will.

Resolved, that the early construction of a fire-proof building to contain the valuable books papers and other treasures of the Company as well as those which shall hereafter be obtained, is an object of the highest importance and demands the earnest and immediate attention of the Company and of the Executor of Dr Rush.

Resolved, that a Copy of the Resolution adopted by a vote of the Stockholders together with these proceedings be sent to Henry J. Williams Esq the Executor of Dr Rush.



These Resolutions were put to the vote and lost.  
The following, offered by Mr Fraley was then adopted:

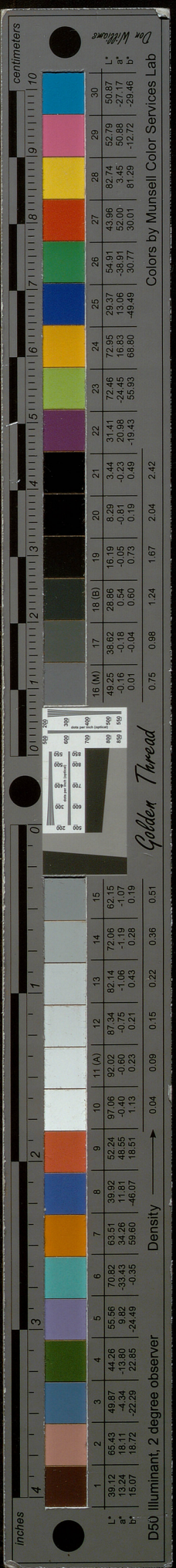
Resolved, That the further consideration of the bequest of Dr James Rush be postponed; and that a Committee consisting of 5 Members and the Directors be appointed who shall take the subject into consideration and shall recommend to the Members at a Meeting to be called by the Directors, such action as they may deem expedient or necessary.

The Chairman appointed on behalf of the Stockholders Frederick Fraley, Henry M. Phillips, Edward King, James S. Biddle and J. Dickinson Logan.  
Adjourned

Jan'y 6<sup>th</sup> 1870

A letter from Henry J. Williams Esq having been read, tending his resignation as a Member of this Board the following Resolutions were unanimously agreed to

Resolved, That the Board have heard with great regret Mr Williams intention of resigning and that in view of their great esteem and regard for him & from their grateful remembrance of the highly important and valuable services he has rendered to the Institution, they desire that he will reconsider his purpose of leaving the Board with which he has been so long associated, and gratify them by withdrawing his letter of resignation.  
Resolved, That the Secretary communicate the above to Mr Williams.





May 25<sup>th</sup> 1870

At an adjourned Meeting of the Company  
May 25 1870 Hon: Eli K. Price in the Chair  
Mess Armstrong & Sulghman were appointed Tellers  
who reported that a Quorum was present.

The Minutes of the last meeting were read and  
adopted.

Mr Faaley on behalf of the Joint Committee  
reported that the following Act of Assembly had  
been signed by the Governor.

### AN ACT

#### RELATIVE TO THE RIDGEWAY BRANCH OF THE PHILADELPHIA LIBRARY.

SECTION 1. *Be it enacted by the Senate and House of  
Representatives of the Commonwealth of Pennsylvania in  
General Assembly met, and it is hereby enacted by the  
authority of the same, That the Library Company of Phila-  
delphia be, and they are hereby authorized to act as trustees  
for the Ridgway branch of the Philadelphia Library and the  
trusts pertaining thereto, under the last will and codicils of  
James Rush, late of the City of Philadelphia, Doctor of  
Medicine, upon the conditions and provisions therein con-  
tained, without limitation as to the yearly value or income of  
the said trust estate, but in such manner that the real and  
personal property of the company, including such books, pic-  
tures, statues and other works of literature and art as now  
are or shall hereafter be held by them in their own right, or  
on any other of [or] different trusts, shall be in no wise affected  
thereby, but shall remain and be under their own entire and  
exclusive control and disposition; and the said company are  
hereby empowered, after acceptance of this act by the mem-  
bers of the said company, to apply from time to time to the  
Court of Common Pleas for the city and county of Philadel-  
phia, for such further amendments to the charter of the com-  
pany as may be necessary to carry into effect the conditions  
and provisions of the said will and codicils in accordance  
with the directions of this act.*

B. B. STRONG,  
*Speaker of the House of Representatives.*

CHAS. H. STINSON,  
*Speaker of the Senate.*

Approved the twenty-third day of February, Anno Domini  
one thousand eight hundred and seventy.

JNO. W. GEARY.

Also that certain Amendments to the Charter  
should be applied for in pursuance of said  
Act

Henry M Phillips Esq offered the following  
Resolutions, all of which were adopted  
unanimously:

Resolved That the Library Company of Philadelphia  
do accept the provisions of the Act of the General



13

Assembly of the Commonwealth approved the 23<sup>d</sup>  
day of February 1870 entitled an Act relative  
to the Ridgway Branch of the Philadelphia  
Library.

Resolved, That the Directors be requested to apply  
to the Court of Common Pleas of Philadelphia  
County for the following Amendments to the Charter  
of the Company

PROPOSED AMENDMENTS TO THE CHARTER OF  
THE LIBRARY COMPANY OF PHILADELPHIA.

I. The Library Company of Philadelphia shall hereafter  
be held and taken to possess all such powers and capacities as  
may be necessary to enable them to act as trustees under the  
will of the late Dr. James Rush, according to the provisions  
of an Act of the General Assembly of the Commonwealth,  
approved on the twenty-third day of February, one thousand  
eight hundred and seventy (1870), entitled "An Act rela-  
tive to the Ridgway Branch of the Philadelphia Library."

II. So long as the Library Company shall act as such  
trustees, they shall do so under the following limitations and  
conditions:

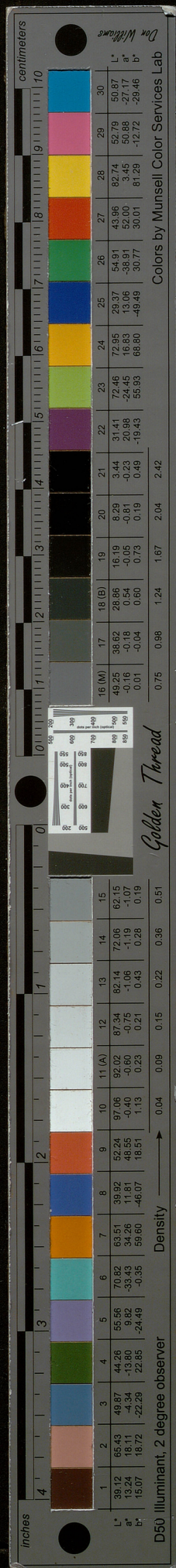
*First.* Not more than one-fourth of the Directors of the  
Library shall belong to any one of the three learned profes-  
sions of law, theology or medicine; but this shall not operate  
so as to exclude from re-election any of those who were mem-  
bers of the board at the time of the death of the said Dr. James  
Rush.

*Second.* The number of shares in the Library shall be  
limited to those actually issued at the time of the death of  
Dr. Rush; but the managers by their by-laws, shall have the  
authority to allow any respectable persons depositing an  
amount and paying an annual sum, to be fixed by the Board  
of Managers, to have the full and free use of the Library as  
completely as if they were shareholders.

*Third.* The Library shall not connect themselves with any  
other body, corporate or politic.

Resolved, That in assuming the administration of  
this munificent endowment the Library Company  
doine both to record their high appreciation of  
the confidence reposed in them by Dr. Rush and  
to express on behalf of the Community at large  
a proper acknowledgment of the great benefit  
which the testator designed for the advancement of  
literature and science in this City.

Resolved, That the Chairman be requested  
to communicate to Henry J. Williams Esq These  
Resolutions and to convey to him at the same  
time the thanks of the Library Company for his





long and useful services as a Director and the warm interest he has always taken in their welfare.

Resolved, That the Joint Committee be discharged from the further consideration of the subject

Adjourned Sine die

June 9<sup>th</sup> 1870

Mr Wharton submitted the following Resolution which was unanimously agreed to.

Resolved, That the Secretary be directed to affix the Corporate Seal to a proper memorial to the Court of Common Pleas for the City and County of Philadelphia praying for the allowance of the Amendments to the Charter of the Company proposed at the adjourned special meeting of the Company held on the 25<sup>th</sup> May last & that the Counsel of the Company be requested to prepare & present such memorial

Dec 10<sup>th</sup> 1870

The Committee on the Rush Legacy appointed June 3<sup>rd</sup> 1869 reported that in accordance with the Resolution of the Board June 9<sup>th</sup> 1870 the Counsel of the Company had prepared and presented to the Court of Common Pleas a Memorial praying for Amendments to the Charter of the Company and that the said Court had duly approved of the Amendments submitted and that the same now constituted part of the Charter of the Company as required by the Will of Dr Rush. Whereupon the following Resolution was adopted:

Resolved, That the Secretary be directed to inform Henry J. Williams Esq the Executor of the Will of Dr Rush of the Amendments of the Charter of the Company and to notify him that the Company are now ready to undertake the performance of their duties as Trustees for the Ridgway Branch of the Library.

The following Preamble & Resolutions were



further adopted:

Whereas, At a meeting of the Members of the Library Company held on the 29 day of June 1869 Mr Williams as Executor of Dr Rush expressed an intention of erecting the Library Building contemplated by the provisions of the said will on the square of ground on the corner of Broad & Christian streets in this City.

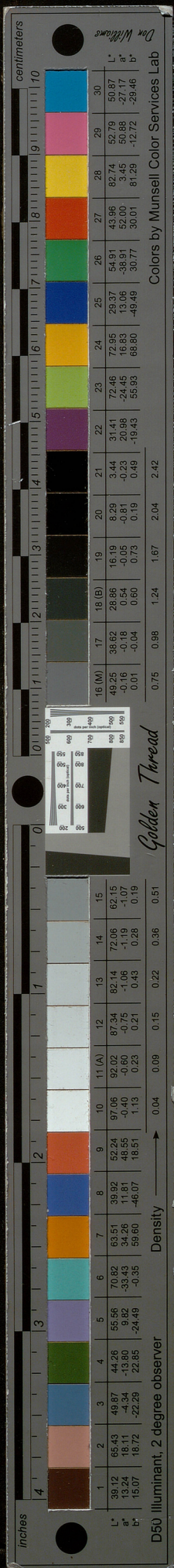
Now further Resolved, That it is the opinion of the Directors of this Company that the removal of their collection of Books to the site thus proposed would under the circumstances, be destructive of the interests of the Library and contrary to the wishes of a vast majority of the Stockholders

Resolved, That the Directors take this as the first opportunity since the Company has been authorized by law to accept the trusts of Dr Rush's will to express to Mr Williams their earnest hope and request that he will reconsider his said intention of building on the site named.

Resolved, That Dr Willing, Judge Hare and Mr Lea be appointed a Committee to communicate these Resolutions to Mr Williams and to confer with him on the subject.

It was further Resolved, That the Counsel of the Company be consulted with regard to the present rights and duties of the Library Company of Philadelphia as Trustees for the Ridgway Branch of the Library.

Jan 5 1871 The committee appointed at the last meeting to communicate with the Executor of Dr Rush reported that a copy of the Resolutions was sent to Mr Williams. Mr Williams then addressed the following letter to the Committee  
[See the original in accompanying bundle of papers]  
The committee was then discharged, but the





Board considering that the latter part of Mr Williams' letter should receive some immediate ~~attention~~ reply instructed the Secretary to inform Mr Williams that the members of the Board as far as is in their power were ready to give their consent & carrying out the wishes of the testator as expressed in the unsigned papers referred to in Mr Williams' letter, of which they have now for the first time heard in such way as Counsel should advise: and that they would have expressed their consent previously had they been sufficiently acquainted with the facts mentioned by Mr Williams.

The Secretary reported that in accordance with the instructions given him by the Board at the last Meeting he had transmitted to Mr Williams a fair copy of the Amendments of the Charter and had notified him that the Company are now ready to undertake the performance of their duties as Trustees and that Mr Williams had sent the following answer

My dear Sir, I acknowledge the receipt of your note of the 12<sup>th</sup> inst enclosing a copy of the Petition of the Library Co to the Court of Common Pleas and their decree thereon.

As I understand the will of Dr Rush the trusts for the benefit of the Library Co only arise when the Building is completed and ready to be delivered to them. At that time the question of their compliance with the conditions prescribed by the Testator's Will have to be carefully considered and determined.

Until then this Executor does not think it either necessary or proper for him to form or express any opinion in relation to the course pursued by the Company, to which he has always been designedly a stranger.

I trouble you with this solely to



present any delay from being considered as an  
assent to or approval of the Petition or decree

Very Resp<sup>ly</sup> &c  
Henry J. Williams  
Dec 21 1870

William L. Whitman Esq  
Secretary P. L. Co.

Jan 24 1871

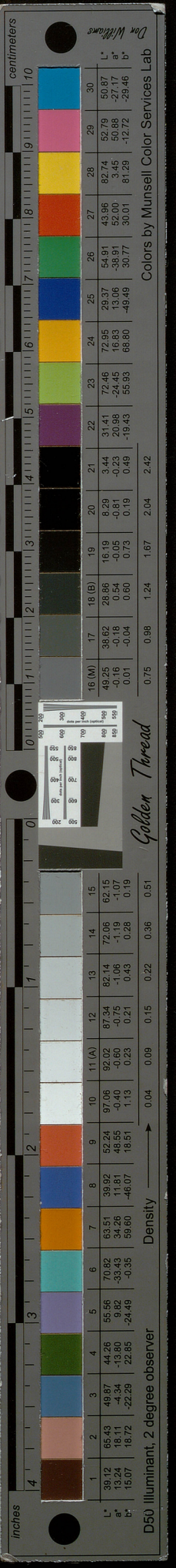
The Committee on the Rush Legacy reported that  
they had as directed by the Resolution of 10<sup>th</sup> Oct  
conferred with Counsel in regard to the present  
rights and duties of the Co. and especially with  
regard to the proposed erection by Mr Williams  
of a Library Building on a Lot of ground  
at the corner of N 2<sup>nd</sup> & Christian Sts & had  
laid before them the Resolutions of the Board  
on that Subject and the letter of Mr Williams  
of Dec 30<sup>th</sup> & that they had rec<sup>d</sup> from Counsel  
the following Opinion

[ See Copy in bundle herewith ]

Whereupon it was unanimously Resolved  
That the Counsel of the Library sh<sup>d</sup> be  
requested to take such proceedings as may be  
necessary to bring before the Court proper Court  
for immediate adjudication the questions on  
which their opinion has been given and any  
other questions affecting the rights and duties  
of the Library be under the Will of Dr Rush:  
and that if practicable the proceedings be of  
an amicable nature by agreement with Mr  
Williams.

The Secretary reported that he had  
addressed the following Letter to Mr Williams  
Henry J. Williams Esq Jan 12 1871  
Dear Sir,

Your letter of Dec 30<sup>th</sup>  
addressed to Dr Willing the Chairman  
of our Committee was laid before the Board  
of Directors of the Library at their meeting  
on the 5<sup>th</sup> inst.





I am requested by the Directors to express to you the regret with which they have learned from your letter of the 30<sup>th</sup> ult. that there has been any misunderstanding about the effects which Dr. Rush desired to be disposed of in the manner you mention.

The impression on the minds of the Directors was that you did intend to carry out the wishes of Dr. Rush in relation to these articles and that your allusion to the subject was a notice that you would do so.

As you desire some formal action of the Board I am directed to say that they are ready to give their consent in such manner as Council may advise and that they would have expressed this readiness sooner had they been aware of the facts.

Very respectfully

W. L. Whitman

to which Mr. Williams had made the following reply:

My dear Sir,

(You are under a misapprehension in saying in your note of the 12<sup>th</sup> inst. that I desired some formal action of the Board in relation to the fulfilment of the verbal directions of Dr. Rush as to the remembrances to be given to his friends. I certainly did not ask for it in my letter of the 30<sup>th</sup> Dec '90 nor do I at all desire it at this late day. It would have been at the time of Dr. Rush's death most gladly rec<sup>d</sup> and I supposed that upon simply stating, which I am sure I did very distinctly, that it only required the approval of the Board to enable me to comply with his wishes, that approval would have been cordially & instantly given. I know I waited for it long and anxiously and was exceedingly surprised and disappointed at not



obtaining it. I never imagined that the Board intended to leave me to bear not only the pecuniary but also the moral responsibility of disposing of his effects of which they were to be ultimately the residuary legatees, when they perfectly well knew I had no legal right to do so. Their assent without releasing from the former which I was aware was not in their power would have relieved me from the latter which I did not choose to assume.

I do not see what construction I could put upon their silence except that they declined acceding to my request, nor do I know how I could have "advised them of the facts" more fully than I had done by my statement at the Board.

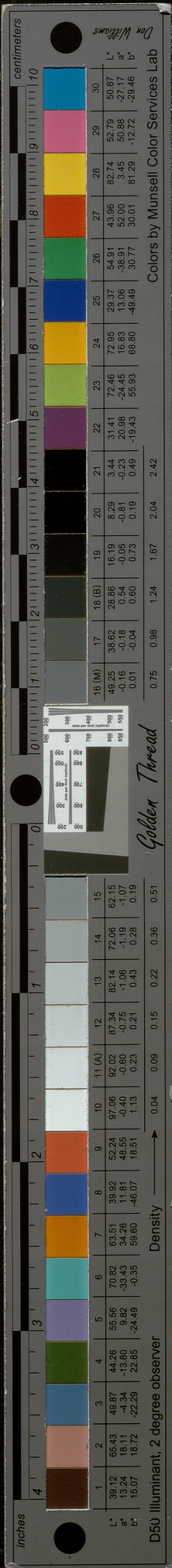
Under these circumstances I informed Dr. Rush's family and friends that altho' I could not carry out his instructions as he designed yet I could dispose of these articles at private sale, and that they could have all or any of them at their appraised values. Some of them accepted this offer and have received and paid for their intended gifts: others declined it.

The matter has thus been settled for about a year & I not only do not desire but am entirely unwilling to disturb it. It must rest as it is! I have however the consolation of knowing that it was not from any omission of mine that Dr. Rush's kind intentions have been frustrated.

My object in referring to this subject in my last letter was only to inform the Board of the course which the want of action on their part, formal or informal had compelled me to pursue.

Very truly & respectfully  
Henry B. Williams  
Jan 16 1871  
Chestnut Hill

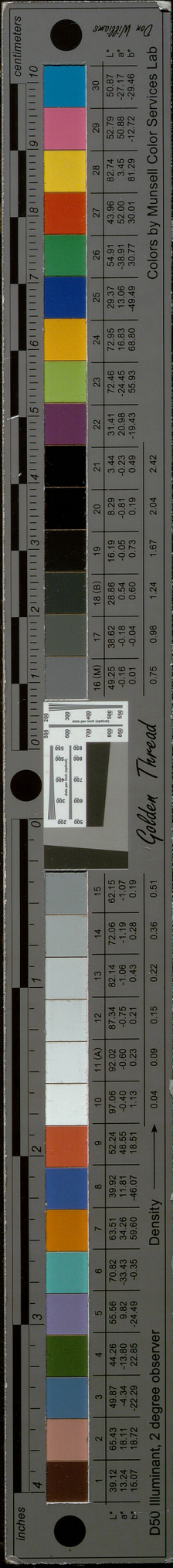
W. L. Whitman Esq  
Secretary











Don Williams

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